

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

===== :
UNITED STATES OF AMERICA, :
: :
: :
— *versus* — : Declaration
: :
ASHLEY DIXON, : S1 07-cr-01160 (PKC)
: :
: :
Defendant-Movant. :
===== :

STATE OF NEW YORK}
COUNTY OF NEW YORK}
SOUTHERN DISTRICT OF NEW YORK} s.s.:

Jeremy F. Orden, Esq., pursuant to Title 28 United States Code Section 1746, hereby declares, under penalty of perjury, that he is the attorney of record for the named defendant, Ashley Dixon, and, in that capacity, he makes this declaration in support of the relief sought in the annexed Notice of Motion for Severance, and to Suppress Evidence. The statements asserted as facts herein are based upon your affiant's examination of the indictment, and complaint, and all such other material provided by the Government, upon his conversations with the defendant, and upon his review of the record and all proceedings previously had hereto. All matters about which Affiant lacks personal knowledge are asserted herein as being upon information and belief.

1. Presently the Defendant is indicted in S1 07-cr-01160 (PKC), with co-indictee Christopher Sinclair.

2. Upon information and belief the above named Defendants are set to be tried jointly by Your Honor.

3. Upon information and belief, the joint trial of the above named Defendants will severely and irreparably prejudice the Defendant Dixon.

4. As such no legal basis exists for the aforementioned joint trial, and such a joint trial will severely prejudice the Movant.

5. Furthermore, on or about the time of arrest of the Defendant-Movant, the police, without proper consent did search the residence occupied by the Defendant in the absence of a search warrant. This evidence was seized and the consent to search given under duress. Suppression of this evidence is, therefore, necessitated by law and to preserve the rights of the Defendant under the Constitution.

6. Furthermore, on or about the time of arrest of the Defendant-Movant, the police, without probable cause, or reasonable suspicion, to stop and search the Defendant, did unlawfully search and seized narcotic drugs from the person of the Defendant. Suppression of this evidence is, therefore, necessitated by law and to preserve the rights of the Defendant under the Constitution.

7. The police lacking probable cause to have arrested the Defendant, the statement made by the Defendant at the time of arrest was given involuntarily and under duress. Suppression of this evidence is, therefore, necessitated by law and to preserve the rights of the Defendant under the Constitution.

WHEREFORE, Declarant respectfully requests that this Court grant the relief sought in the annexed motion, together with all such further relief as this Court shall deem just and proper.

Respectfully submitted,

/s/ Jeremy F. Orden
Jeremy F. Orden, Esq.

Dated: 19 August 2008
New York, NY
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